

MINUTES
MALIBU JOINT CITY COUNCIL / PLANNING COMMISSION
PUBLIC WORKSHOP
OCTOBER 21, 2002
HUGHES AUDITORIUM
6:30 P.M.

CALL TO ORDER

Mayor Jennings called the meeting to order at 6:35 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Jeffrey Jennings, Mayor Pro Tem Ken Kearsley, Councilmembers Sharon Barovsky, Joan House and Andrew Stern, Planning Commission Chair Richard Carrigan, Vice Chair David Fox, Commissioners Robert Adler and Deirdre Roney

ALSO PRESENT: Katie Lichtig, City Manager; Christi Hogin, City Attorney; Julia James, Drew Purvis, Planning Director; Stacey Rice, Senior Planner; Dave Crawford, City Biologist; and Lisa Pope, City Clerk

FLAG SALUTE

Steve Uhring led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Councilmember Barovsky moved and Councilmember House seconded a motion to approve the agenda. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Pope reported that the agenda for the meeting was properly posted on October 11, 2002.

ITEM 1

A. PUBLIC COMMENTS

Mary Frampton discussed dead fish floating in the Malibu Lagoon. She questioned the correlation between the sewage spill from Tapia and the dead fish. She encouraged Tapia and the City to do whatever possible to clean up the Creek and Lagoon.

B. COUNCIL / PLANNING COMMISSION COMMENTS

Councilmember House announced John Siebert as her appointment to the Planning Commission.

Councilmember Barovsky announced Norman Olstead as her appointment to the Parks and Recreation Commission. She announced Les Moss as her appointment to the Mobilehome Park Rent Stabilization Commission.

Mayor Pro Tem Kearsley announced the Malibu Stage Company improvisational presentation by young men from Camp David Gonzales on October 24 and 25, at 7:30 p.m. He stated he had taken photographs of the dead fish in the Malibu Lagoon. He requested staff provided additional information on the Lagoon.

Mayor Jennings announced the Malibu High School Homecoming football game on October 25, 2002.

ITEM 2 PUBLIC WORKSHOP

A. Public Workshop – Malibu Bay Company Development Agreement – Draft Environmental Impact Report

Please note that there will be one more public workshop during the Draft Environmental Impact Report (Draft EIR) comment period, which will address the Draft EIR in detail. Formal comments on sections of the Draft EIR will be welcomed at that time, and may be submitted in writing to the City of Malibu. If you wish to submit comments following the review of the Draft EIR, submit them in writing by November 12, 2002. Send comments to: City of Malibu Planning Department, 23815 Stuart Ranch Road, Malibu California, 90265 (Contact: Stacey Rice, Ph. D., Senior Planner)

- 1. Staff Report Presentation**
- 2. Public Comment**
- 3. City Council/Planning Commission Comments and Questions**

Planning Director Purvis presented the staff report.

Senior Planner Rice provided an overview of the Malibu Bay Company Development and Donation Agreement Project Entitlements for the Civic Center Area, Trancas Properties, and Point Dume.

Joe Johns introduced Envicom staff involved in the EIR. He explained that the EIR studied 19 topics, 14 of which required mitigation.

Laura Kaufman, Envicom Director of Environmental Services, stated the issues to be addressed included biological resources, geology and soils, hydrology and water quality, land use and wastewater. She discussed the results in the EIR regarding compatibility with surrounding land uses and consistency with applicable Land Use Policy.

Katherine Patey, Envicom Director of Biological Services, discussed the review conducted of existing biological conditions. She discussed examination of environmentally sensitive resources, riparian wetland areas, sensitive plant habitat and species, trees and fuel modification. She discussed the maps created to depict proposed development impacts to vegetation. She explained the wildlife issues addressed in the DEIR including habitat alteration, listed species, and wildlife movement. She reviewed indirect impact issues addressed including the introduction of invasive non-natives, general urbanization effects, night lighting, fertilizers and pesticides. She discussed the properties eligible for ESHA or DSRA status. She discussed the impacts and proposed mitigation measures to biological resources. She provided a mitigation summary.

Ken Wilson discussed the issues addressed related to geology and soils including fault rupture, strong ground shaking, liquefaction, landslides, erosion, expansive soils, slope stability, suitability of soils for septic systems, and flooding. He presented the proposed mitigation measures for each impact. He outlined the issues addressed regarding hydrology and water quality including surface drainage, flooding hazards, groundwater recharge, and water quality, the potentially significant impacts and proposed mitigation for each.

Travis Cullen, Envicom Program Coordinator, reviewed the Wastewater section of the EIR including existing conditions on the subject sites, potential impacts and proposed mitigation.

Patt Healy reminded the Council and Planning Commission that it had no obligation to grant all proposed variances. She discussed the proposed open space to be included as a parking lot. She suggested analysis of open space to determine if there was a better parcel for open space.

Edith Read, biologist representing Malibu Bay Company, stated they would be submitting formal written comments. She highlighted areas she felt were inaccurate including: 1) Point Dume property proposed DSRA designation from the drainages; and 2) indirect impact designation for endangered species.

Steve Uhring asked the requirement for DSRA designation. He questioned the process for determining the adequacy of wastewater treatment.

Sandra Genis discussed difficulty with reviewing documents at City Hall. She suggested the review period be extended.

Ryan Embree discussed the Winter Canyon failing discharge system. He expressed concern regarding the proposed treatment system.

Beverly Hammond, President of the Board of Directors of the Point Dume Community Services District, addressed the Council regarding the Point Dume site and proposed community center. She stated the proposed site was more easily accessible than the

previous community center at the Point Dume Marine Science Elementary School. She suggested a native garden be established on the proposed wastewater site.

Mark Massara discussed the need for a community education program and the need to comment by November 12, 2002. He stated staff had been asked to comment on the feasibility of extending the comment period. He discussed the need for models or realistic artistic renderings to allow the community to see what the development would look like. He suggested the comment period be restarted once all documents were available to the public. He suggested a before and after analysis be provided at the next hearing. He expressed concern that parking lots were treated as open space.

Jack Carrodi stated the analysis was very thorough. He stated it was "time to move forward." He stated he was a parent in support of playing fields.

Ozzie Silna asked about the impact of the LCP's definitions to the EIR. He discussed the need to retain DSRA designations. He expressed concern to references regarding wastewater treatment at Winter Canyon.

Katherine Patey discussed the nesting and use of the area by various birds. She explained the definition of Disturbed Sensitive Resource Area, DSRA. She explained the difference between DSRA and ESHA.

Planning Director Purvis explained that mitigation proposed for wastewater treatment would be reviewed by the Building Safety Department. City Attorney Hogin explained that a mitigation measure would be imposed as a condition of the project and assessed by the Building Department prior to construction.

Planning Director Purvis indicated staff would respond to the question by Mr. Embree regarding wastewater treatment in Winter Canyon. Ken Wilson discussed a study previously conducted concluding that the groundwater system would accept additional wastewater created by the proposed development.

Mayor Jennings stated community education and input was the ultimate input and the community would have the final say on the project.

In response to Councilmember Stern, Planning Director Purvis explained that the project in the Civic Center was proposed for a variance for reduced landscape / open space requirements. He stated parking lots were not included as open space or landscaping. City Attorney Hogin stated there was less open space than required in the IZO.

Councilmember Stern asked if there was a less than significant cumulative impact when all mitigation measures were concluded. Laura Kaufman stated it was difficult to determine a cumulative impact. She stated it was determined that there would be some cumulatively significant impacts related to biology, air quality, visual and short term light and glare.

Mayor Pro Tem Kearsley asked about transplanting of Mariposa Lily. Katherine Patey discussed the success of collection, transplanting and propagation of bulbs. She stated there was a two-year monitoring criteria.

Councilmember House asked if there was another way to achieve the development requests with the use of Zone Text Amendments. City Attorney Hogin stated the proposal was analogous to a custom overlay.

Councilmember House asked about the Trancas area. Planning Director Purvis stated paving in the Trancas area was an existing condition that could remain. He stated he would provide specific information at the next workshop on the existing conditions.

Mayor Jennings questioned a number of areas regarding geology and the need for future studies. Ken Wilson explained that the mitigations would specify either a specific type of investigation, included in the project design, or would need to satisfy the regulatory requirements.

Mayor Jennings asked about cumulative impacts that were not mitigated. Katherine Patey explained that unmitigatable impacts included the existing project, projects in the pipeline and potential future projects. Mayor Jennings asked at what level a statement of overriding consideration was needed. City Attorney Hogin stated it would be necessary to determine if there were benefits from the project that would outweigh unmitigatable impacts.

Planning Commission Vice Chair Fox asked if there should be concern that the EIR could not be analyzed in relation to the LCP. City Attorney Hogin stated it was her understanding that staff would provide an analysis of how the LCP would impact the proposal.

Planning Commission Vice Chair Fox asked if traffic impacts were mitigated to insignificant. Laura Kaufman discussed the traffic study review and indicated it was determined that traffic mitigation was insignificant.

Commissioner Adler asked if the EIR made the same calculations as indicated by Planning Director Purvis regarding parking not included as open space. Laura Kaufman indicated they would review the question and provide an answer in writing.

Planning Commissioner Roney agreed about concerns regarding growth over time in relation to wastewater. She discussed the proposed wastewater treatment plant on the Ioki property. She asked why the current wastewater issue and the current plan were not being considered. Planning Director Purvis stated the proposed Ioki wastewater treatment proposal was to allow for treatment and disposal for projects currently developed. He stated it was not a component of the development agreement project.

Planning Commissioner Roney asked about the Winter Canyon treatment and tertiary treatment. Mr. Wilson stated it would be necessary to know the components in the ground to determine if there was an environmental concern. Planning Commissioner Roney asked if there was a percentage of water from the proposed development that would be reused on the land instead of going back into Winter Canyon. Planning Director Purvis indicated staff would provide a written response.

Councilmember Barovsky stated she spoke with Building Official Peterson and he indicated the plant would have to be tertiary whether installed at Winter Canyon or Ioki. Planning Commissioner Roney asked if the City would be able to require tertiary if the RWQCB only required secondary.

Councilmember Stern asked if variances could be denied based on resulting significant impacts. City Attorney Hogin explained that the current review was for the purpose of gathering information. She stated it was impossible to determine if a specific variance could be tagged with creating a certain impact.

Mayor Pro Tem Kearsley discussed the proposed cul de sac at Winter Canyon and requested an addendum to the EIR to include the cul de sac. Laura Kaufman stated further study could be conducted and information included in the Final EIR.

CONSENSUS

By consensus, the Council directed staff to review the impact of a cul de sac at Winter Canyon and Civic Center Way and include the information in the Final EIR.

ADJOURN At 9:20 p.m., Mayor Pro Tem Kearsley moved and Councilmember House seconded a motion to adjourn. The motion carried unanimously.

Approved and adopted by the City Council of
the City of Malibu on January 27, 2003.

JEFFREY D. JENNINGS, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)